

Amendment submitted in response
to Office Action mailed 01/31/2006
U.S. Pat App. No. 90/939,454
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Remarks/Arguments

Status of the Application

Applicant respectfully requests reconsideration of the rejections and objections set forth in the Office Action mailed on August 22, 2005.

The Examiner has objected to claims 3, 6, and 28 for containing informalities.

The Examiner has provisionally rejected claims 26-29 under 35 U.S.C. 101 as claiming the same invention as that of claims 26-29 of co-pending Application No. 09/939,464.

The Examiner has provisionally rejected claims 1-50 under 35 U.S.C. 101 as claiming the same invention as that of claims 1-50 of co-pending Application No. 09/940,148.

The Examiner has rejected claims 1-4, 7, 19, 20, 22-25, 30-38, 42, and 50 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,896,380 to *Brown et al. (Brown)*.

The Examiner has further rejected claims 6, 16, 39, and 44 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,751,219 to *Lipp et al. (Lipp)*.

The Examiner has further rejected claims 8-10, and 47 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,570,854 to *Yanget al. (Yang)*.

The Examiner has further rejected claims 12 and 43 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,471,428 to *Nichols et al. (Nichols)*.

The Examiner has further rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of *Nicols* and further in view of U.S. Patent No. 6,661,773 to *Pelissier et al. (Pelissier)*.

The Examiner has further rejected claims 17-18, 41, and 46 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,122,279 to *Milway et al. (Milway)*.

Applicant hereby cancels claims 1-37 without prejudice.

As such, claims 38-50 are pending in this application.

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The Claims

Cited Art

Brown

Brown describes a multi-stage ATM switch having "a plurality of inlet stage fabrics, core stage fabrics, and outlet state fabrics," (Abstract). *Brown* describes methods of creating loading a core stage fabric with data cells and added cells to preserve length and rank between cells (*see* FIG. 3; Col. 6, ll. 27-41). By ordering cells in the core stage fabric, cells from a burst are all aligned (*see* Col. 6, ll. 40-41).

Informalities

Claims 3, 6, and 28

The Examiner has objected to claims 3, 6, and 28 for containing informalities. Applicant has cancelled claims 3, 6, and 28 and respectfully submits that the Examiner's objection is made moot.

Rejections Under 35 U.S.C. § 101

Claims 26-29

The Examiner has provisionally rejected claims 26-29 under 35 U.S.C. 101 as claiming the same invention as that of claims 26-29 of co-pending Application No. 09/939,464. Applicant has cancelled claims 26-29 and respectfully submits that the Examiner's objection is made moot.

Claims 1-50

The Examiner has provisionally rejected claims 1-50 under 35 U.S.C. 101 as claiming the same invention as that of claims 1-50 of co-pending Application No. 09/940,148. Applicant has cancelled claims 1-37 in the immediate application. Applicant will further take such action as is deemed necessary to remedy the provisional rejection with respect to co-pending Application No. 09/940,148.

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Rejections Under 35 U.S.C. § 102 (b)

Claims 38, 42, and 50

The Examiner has rejected claims 1-4, 7, 19, 20, 22-25, 30-38, 42, and 50 under 35 U.S.C. 102(b) as being anticipated by *Brown et al.* Applicant respectfully traverses. As an initial matter, Applicant has cancelled claims 1-37 and thus the Examiner's rejection of claims 1-4, 7, 19, 20, 22-25, and 30-37 is made moot.

As noted above, *Brown* describes a multi-stage ATM switch having "a plurality of inlet stage fabrics, core stage fabrics, and outlet state fabrics," (Abstract). *Brown* describes methods of creating loading a core stage fabric with data cells and added cells to preserve length and rank between cells (*see* FIG. 3; Col. 6, ll. 27-41). By ordering cells in the core stage fabric, cells from a burst are all aligned (*see* Col. 6, ll. 40-41).

In contrast, the present claims require no such elements. Indeed, as noted by the Specification at paragraph 0043, "Each intermediate layer circuit delivers cells to the output layer 103 as the cells arrive." Thus, comparison of *Brown's* method of queuing at a core stage fabric (intermediate layer) is inapposite with respect to the present claims since the present claims anticipate no such queuing.

Furthermore, amended claim 38 requires, "generating a back-pressure signal representative of a status of said selected output layer circuit for providing a responsive feedback to said input layer such that said routing is responsive to said status of said selected output layer circuit." Support for the amended claim may be found in the Specification at ¶¶ 0044 and 0047 as well as at now cancelled claim 5 which corresponds to allowed claim 5 of co-pending Application No. 09/940,148.

Still further, amended claim 42 requires, "sending said selected cell as said selected cell arrives at said selected intermediate layer circuit to a selected output layer circuit..." Support for the amended claim may be found in the Specification at ¶ 0043. In contrast, as noted above, *Brown* describes ordering cells in the core stage fabric whereby cells from a burst are all aligned.

Still further claim 50 depends directly on claim 42 and is therefore patentable over the cited art for at least the same reasons cited for claim 42.

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Therefore, Applicant respectfully requests that the rejection of claims 38, 42, and 50 be removed.

Rejections Under 35 U.S.C. § 103 (a)

Claims 6, 8-10, 12-13, 16, 39, 43-44, and 47

The Examiner has further rejected claims 6, 16, 39, and 44 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,751,219 to *Lipp et al. (Lipp)*.

The Examiner has further rejected claims 8-10, and 47 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,570,854 to *Yang et al. (Yang)*.

The Examiner has further rejected claims 12 and 43 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,471,428 to *Nichols et al. (Nichols)*.

The Examiner has further rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of *Nicols* and further in view of U.S. Patent No. 6,661,773 to *Pelissier et al. (Pelissier)*.

The Examiner has further rejected claims 17-18, 41, and 46 under 35 U.S.C. 103(a) as being unpatentable over *Brown* in view of U.S. Patent No. 6,122,279 to *Milway et al. (Milway)*.

Applicant respectfully traverses. As an initial matter, Applicant has cancelled claims 1-37 and thus the Examiner's rejection of claims 6, 8-10, 12-13, 16 is made moot.

All remaining claims depend either directly or indirectly from independent claims 38 and 42 and are therefore patentable over the cited art for at least the same reasons cited for claim 1. In no case, does any of the remaining cited art remedy the deficiencies of *Brown*.

Additionally, these dependent claims require additional elements that, when considered in the context of the claimed invention, further patentably distinguishes the art of record. For example, amended claim 47 requires, "generating a flow control warning signal in response to output layer congestion at said selected output layer circuit." Support for the amended claim may be found at now cancelled claim 11 which corresponds to allowed claim 11 of co-pending Application No. 09/940,148.

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Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application; the undersigned can be reached at the telephone number set out below.

The Commissioner is authorized to charge any additional fees to process this Amendment, or credit any over-payments that may apply, to our Deposit Account No. 50-2284 (Order No. RZMI-P301).

Respectfully submitted,

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